IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 21589 of 2004

Between:

B.P. Sunkanna, S/o B. Yellappa,
Occ: Fair Price Shop Dealer, Dorapalli Village, Dhone Mandal, Kurnool District.

.... PETITIONER

AND

1 The Joint Collector, Kurnool District, Kurnool.
2 The Revenue Divisional Officer, Kurnool , Kurnool District.
3 The Mandal Revenue Officer, Dhone , Kurnool District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the 1st respondent in not passing any orders on the appeal filed by the petitioner seeking stay of the proceedings of the 2nd respondent bearing Rc.No. B/1435/2004 dt. 4-11-2004 as illegal, arbitrary, unjust and against to the principles of natural justice and consequently set aside the proceedings of the 2nd respondent Rc.No. B/1435/2004 dt. 4-11-2004 and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.J.JANAKIRAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

The authorization of the petitioner has been suspended by the 2nd respondent through proceedings, dated 04.11.2004, on certain allegations. Aggrieved thereby, he preferred an appeal before the 1st respondent together with an application for grant of stay. It is represented that the 1st respondent has not passed any order on the application for grant of stay so far.

Learned counsel for the petitioner submits that the allegations against the petitioner are trivial in nature, and the petitioner is still in the process of distribution of essential commodities lifted by him. He contends that no alternative arrangement has been made so far.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner claims to have preferred an appeal before the 1st respondent together with an application for grant of stay, against the order of suspension. It is for the 1st respondent to pass appropriate orders by taking into account the relevant facts. However, the process has to be expedited and it cannot be kept pending indefinitely. This Court is not in a position to record any finding on the submission of the learned counsel for the petitioner that no alternative arrangement has been made so far. One aspect, which weighs in favour of the petitioner, in this regard, is that the order of suspension does not disclose that any alternative arrangement has been made.

Hence, the writ petition is disposed of directing the 1st respondent to pass appropriate orders on the stay petition filed along with the appeal, within two weeks from the date of receipt of a copy of this order. If no alternative arrangement has been made so far, the petitioner shall be continued as dealer, till the 1st respondent passes an order. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Date: 25th November, 2004

Note: Furnish copy by

26.11.2004

(B/o.)

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To

1 The Joint Collector, Kurnool District, Kurnool.
2 The Revenue Divisional Officer, Kurnool , Kurnool District.
3 The Mandal Revenue Officer, Dhone , Kurnool District.

4 2 CCs to G.P for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

5 2 CD copies